

Pupils, Courses, and Programs

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Introduction: Increasing Enrollments

The nation's public schools will serve a record number of pupils in the late 1990s. Directly affecting this enrollment forecast for the turn of the century is the recently increasing number of pupils attending public elementary schools. Countering a decline in enrollments in public secondary schools in the late 1980s, enrollments in public elementary schools grew from 27 million to 31.4 million between 1985 and 1993. Public schools will likely address the educational needs of 34.4 million pupils in the year 2000.¹ In the Commonwealth, 1,800 public schools served slightly more than 1 million students in 1990-1991, reflecting an enrollment increase of nearly 16,000 after several years of decreased enrollments statewide. This increase continued for the eighth consecutive year in 1992-93, when fall enrollments stood at 1,030,000. Virginia public school enrollments are expected to peak at 1,180,000 pupils in 2005-06.²

Compulsory Education in Virginia

The education of school age children in the Commonwealth is a constitutional priority, as Article VIII, § 3 of the Virginia Constitution directs the General Assembly to "provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law." Under current Virginia law, children who will have reached the fifth birthday on or before September 30 of any school year and who have not passed the eighteenth birthday must attend a public, private, parochial, or denominational school or have an approved tutor or home instruction. The most recent revisions to this law have focused on older students, rather than those at the entry level; a 1989 amendment raised the compulsory attendance age from 17 to 18. Legislation adopted in 1990 clarified that the compulsory attendance law applied to those children under age 18 who are either in the custody of the Department of Youth and Family Services or have been adjudicated as adults.³

¹ U.S. Department of Education, Office of Educational Research and Improvement, National Center for Educational Statistics, Digest of Education Statistics 1993 at 1 (October 1993) [hereinafter referred to as Education Statistics].

² Virginia Department of Education, Superintendent's Annual Report for Virginia 1990-1991 at ii (1992) University of Virginia Center for Public Service, Projections of Educational Statistics to 2012 at v (September 1993).

³ Va. Code § 22.1-254 (1993); 1989 Acts of Assembly, c. 515; 1990 Acts of Assembly, c. 797.

The Development of Compulsory Attendance Law

The Commonwealth's compulsory school attendance requirements first appeared in the 1869 Constitution, which simply authorized the General Assembly to "make such laws as shall not permit parents and guardians to allow their children to grow up in ignorance and vagrancy." Subsequent constitutional revisions retained this discretionary tone; the framers of the 1902 Constitution considered eliminating this provision altogether, as it had never been acted upon. The 1902 version specified compulsory education laws for children between the ages of eight and 12.⁴

It was not until 1908 that the General Assembly exercised this authority, requiring parents, guardians, or other persons "having charge or control of any child between the ages of eight and twelve years" to attend school. An uncodified act, this "requirement" was also subject to local referendum. The 1920 Constitution revisited this issue, granting the legislature discretion to "provide for the compulsory education of children of school age." Statutory amendments in 1922 and 1928 altered attendance ages to eight and 14 and seven and 15, respectively. In 1944, the compulsory age increased to 16.⁵ Legislation adopted in 1968 designated a cutoff date--September 30--for determining school age and made compulsory education a statewide practice rather than a local option. Authority for compulsory education was strengthened in the 1971 Constitutional revisions, establishing the current mandate to the legislature.⁶

The last two decades have witnessed various changes in this entry age requirement. In 1974, the September 30 cutoff date was moved to December 31; in 1978, staggered dates of November 30, October 31, and September 30, to be phased in over a three-year period, were inserted. The 1980 education title recodification settled again on the September 30 date, which has remained the designated cutoff date for determining school age. The entry age was lowered to age five in 1976 and has not been altered since.⁷ Reinforcing the compulsory school attendance requirement is Section 22.1-255, which directs persons who have residing with them for a period of 60 days or more a school-age child whose parents reside in another state to enroll the child in public school and to pay any applicable tuition charges or return the child to his parents.⁸

⁴ Va. Const. of 1869, Art. VIII, § 4; Va. Const. of 1902, Art. IX, § 138; see also, A.E.D. Howard, Commentaries on the Constitution of Virginia at 907, 908 (1970) [hereinafter referred to as Constitutional Commentaries]

⁵ 1908 Acts of Assembly, c. 364; Constitutional Commentaries, supra note 4 at 908; Va. Constitution of 1920, Art. IX, § 138; 1992 Acts of Assembly, 381; 1928 Acts of Assembly, c. 471.

⁶ 1968 Acts of Assembly, c. 178; Constitutional Commentaries, supra note 4, at 907, 908.

⁷ 1974 Acts of Assembly, c. 199; 1978 Acts of Assembly, c. 518; 1980 Acts of Assembly, c. 559; 1976 Acts of Assembly cc. 681, 713.

⁸ Va. Code § 22.1-255 (1993).

Kindergarten Attendance

Intertwined with Virginia's compulsory education law are requirements for kindergarten attendance. Under current law, school divisions must provide a program "suitable for children who will reach their fifth birthday on or before September 30 of the school year." In 1990, the General Assembly deleted a provision allowing parents to petition for the enrollment of any four-year-old who will reach age five on or before December 31 of the school year. School divisions may operate two-tiered, junior, or "other developmentally appropriate" pre-kindergarten or transitional first grade. The September 30 cutoff date does not affect the enrollment of four-year-olds in these programs if the child will reach age five between October 1 and December 31 and an evaluation has demonstrated that enrollment would educationally benefit the child.⁹

While the kindergarten attendance age has been age five for some time, the cutoff date has been the focus of much study and controversy. The September 30 date was first introduced in 1966; 1972 legislation moved this date to December 31, subject to a "roll forward" feature that would make the change ultimately effective in 1976.¹⁰ Subsequent statutes included a September 30 to December 31 "window" and a three-year "rollback" provision.¹¹ Changes in the kindergarten entrance age have typically reflected a need to balance positive early learning experiences with concerns regarding early academic failure and burnout. While some studies have indicated that children learn more easily and quickly in their early years, others have shown that entry age is only a small predictor of future academic success. A 1980 joint legislative subcommittee examined kindergarten programs and entrance age. The Department of Education revisited this issue in 1990, recommending that the entrance age be maintained until 1995, when voluntary programs for at-risk four-year-olds are expected to become available. Legislation adopted in 1993 clarifies the kindergarten attendance requirement, permitting parents to delay a child's entry for one year upon the notification of the school board that the child, in the parent's opinion, is not mentally, emotionally, or physically prepared for kindergarten. Effective in 1994, this legislation also specified that kindergarten attendance may be satisfied by enrolling the child in a public or private pre-kindergarten program.¹²

⁹ Va. Code § 22.1-199 (1993).

¹⁰ 1966 Acts of Assembly, c. 150; 1972 Acts of Assembly, c. 245.

¹¹ 1980 Acts of Assembly, cc. 559, 579; 1978 Acts of Assembly, c. 518; 1985 Acts of Assembly, c. 407; 1990 Acts of Assembly, c. 792.

¹² Report of the Joint Subcommittee on Certain Aspects of Kindergarten Programs, House Document No. 10 (1980); Report of the Board of Education on the Efficacy and Appropriateness of the Commonwealth's Present Entrance Age Requirements for Kindergarten Attendance, House Document No. 20 at 1, 2, 4 (1990); 1993 Acts of Assembly, c. 903.

Exemptions and Excuses

A seemingly comprehensive policy, compulsory attendance law in Virginia nonetheless authorizes a number of excuses and exceptions. Those children specifically exempt from compulsory school attendance requirements include:

1. Children suffering from contagious or infectious diseases, as established by a certificate from a reputable, practicing physician pursuant to Board of Education regulations;
2. Children who do not have required immunizations against communicable diseases;
3. Children under age 10 living more than two miles from a public school unless public transportation is provided within one mile of the child's home;
4. Children between ages 10 and 17 who live more than 2.5 miles from school unless public transportation is available within 1.5 miles from home;
5. Any child who will not have reached the sixth birthday by September 30 whose parent or guardian notifies the division superintendent that he does not want the child to attend school until the next year (effective through June 30, 1993); and
6. Any child withdrawn from school upon the recommendation of the division superintendent and with the consent of the child's parents (effective through June 30, 1993).¹³

In addition, the compulsory attendance requirements do not apply to those children who have been excused from attendance by the local school board, upon the recommendation of the principal and division superintendent and with the written consent of the parents, when the school board has determined that the child "cannot benefit from education at such school." The school board also possesses discretionary authority to excuse pupils who, in the judgment of the juvenile and domestic relations court, cannot benefit from school attendance; parental consent for this excuse is not necessary.

¹³ Va. Code § 22.1-256; 22.1-3 (1993).

The Evolution of Virginia Compulsory Education Law

1869 State Constitution authorizes compulsory education laws. (Va. Const. of 1869, Art. VIII, § 4).

1902 State Constitution authorizes compulsory education laws for children between ages 8 and 12. (Va. Const. of 1902, Art. IX, § 138).

1908 Uncodified act requires parents, guardians, or other persons "having charge or control of any child between the ages of eight and twelve years" to attend school; subject to local referendum. (1908 Acts of Assembly, c. 364).

1920 State Constitution removes age designation, granting legislative discretion to "provide for the compulsory education of children of school age." (Va. Const. of 1920, Art. IX, § 138).

1922 Statutory amendments alter attendance ages to 8 and 14. (1922 Acts of Assembly, c. 381).

1928 Statutory amendments alter attendance ages to 7 and 15. (1928 Acts of Assembly, c. 471).

1944 Statute increases compulsory attendance age to 16. (1944 Acts of Assembly, c. 30).

1968 Compulsory attendance a statewide practice rather than local option; Code of Virginia also designates September 30 cutoff date. (1968 Acts of Assembly, c. 178).

1971 Constitutional revision directs General Assembly to "provide for the compulsory elementary and secondary education of every eligible child of appropriate age, such eligibility and age to be determined by law." (Va. Const. of 1971, Art. VIII, § 3).

1974 September 30 cutoff date moved to December 31, to be phased in by 1976 pursuant to "roll forward" feature. (1974 Acts of Assembly, c. 199).

1976 Entry age lowered to age 5. (1976 Acts of Assembly, cc. 681, 713).

1978 Statute amended to include staggered dates of November 30 for 1979-80 school year, October 31 for 1980-81 school year, and September 30 thereafter. (1978 Acts of Assembly, c. 518).

1980 Title recodification incorporates September 30 date for determining school age. (1980 Acts of Assembly, c. 559).

1989 Compulsory attendance age raised to 18. (1989 Acts of Assembly, c. 515). 1990 HB 1006 clarifies that compulsory attendance applies to children under age 18 who are either in custody of Department of Youth and Family Services or have been adjudicated as adults; 1991 amendment accelerates effective date from July 1, 1992 to July 1, 1991. (1990 Acts of Assembly, c. 797; 1991 Acts of Assembly, c. 295).

Local school boards must excuse any pupil who, together with his parents, is conscientiously opposed to school attendance on the basis of bona fide religious training or belief. The Code clarifies that this religious training or belief does not include "essentially political, sociological or philosophical views or merely a moral code." Upon the recommendation of the juvenile and domestic relations court, a school board must also excuse any pupil who, with his parents, is opposed to school attendance due to concern for the pupil's health, as verified by competent evidence, or due to the pupil's "reasonable apprehension" for personal safety.¹⁴

Enforcement of Compulsory Attendance Requirements

While ultimate authority for the enforcement of compulsory attendance rests with the Board of Education,¹⁵ actual responsibility for compliance is entrusted to the division superintendent or attendance officers as may be employed by the school division. Parents are to be notified by telephone when a pupil fails to report to school and no indication has been given that the parent is aware of the absence. When these absences continue for five consecutive days, the school principal is to request the parent by letter to explain the pupil's absence or to accompany the pupil upon his return to school. If the parent fails to respond within three days, the division superintendent or attendance officer, if there is one, must attempt to notify the parents. A second failure to respond necessitates the filing of a complaint in the name of the Commonwealth by the attendance officer or division superintendent with the juvenile and domestic relations court. In addition, the pupil may be treated as a child in need of services or a child in need of supervision.¹⁶

Assisting in the enforcement of compulsory attendance is the teacher, who must keep daily attendance records. These records are open to the principal, attendance officer, and division superintendent, as persons primarily responsible for the enforcement of school attendance requirements. Within 10 days of the opening of school, each school principal must notify the division superintendent of the name, age, and grade of each enrolled pupil and the name and address of his parents and the name of each child, to the best of his knowledge, who is required to be enrolled but is not, and the name and address of his parents. The division superintendent then compares this information with the last school census and with reports from the State Registrar of Vital Records; within five days, he must prepare a list of children who are not enrolled and are subject to school attendance requirements. The attendance officer then investigates these cases and alerts parents to require attendance where no valid excuse or exemption exists for nonenrollment. To facilitate the enforcement of these enrollment and recordkeeping requirements, the student must supply a federal social security number within 90 days of

¹⁴ Va. Code § 22.1-257 (1993).

¹⁵ Va. Code § 22.1-269 (1993).

¹⁶ Va. Code §§ 22.1-258; 22.1-262 (1993).

enrollment. Board of Education guidelines, developed after consultation with the Social Security Administration, govern eligibility for obtaining the social security number.¹⁷

Violations of the compulsory attendance requirements--including misstating the actual age of a school-age child and inducing students to absent themselves from school--are punishable as class 4 misdemeanors (drawing a maximum \$250 fine). In addition, a court may require parents violating these attendance laws to participate in programs or treatments designed to rehabilitate the parent or child. Failure by the parent to comply with any court-ordered conditions may result in the imposition of a daily fine not exceeding \$100 for each day of noncompliance. Should the court determine that the parent has willfully disobeyed an order to comply with the compulsory attendance law, the violation may be punished as a Class 1 misdemeanor (maximum 12-month jail term and maximum \$2,500 fine, either or both). While these punishments typically run to the parent or guardian, students picked up as truants may nonetheless be returned to school without charging the parent or guardian with a violation of compulsory attendance law.¹⁸ Pupils permitted by their parents to be habitually absent may be treated as children in need of supervision for purposes of juvenile and domestic court proceedings and may be taken into immediate custody in certain cases. Prosecution of compulsory attendance cases is the responsibility of the local Commonwealth's Attorneys; the juvenile and domestic relations court retains exclusive original jurisdiction. Contingent upon state appropriations in the 1994 Session, the family courts will have exclusive original jurisdiction as of January 1, 1995.¹⁹

Home Instruction

A corollary to the Virginia compulsory attendance law is the option for home instruction. To elect home instruction rather than school attendance, parents of school age children must either (i) hold a baccalaureate degree from an accredited institution of higher education; (ii) be a teacher meeting Board of Education qualifications; (iii) enroll the child in a correspondence course approved by the Superintendent of Public Instruction; or (iv) provide a program of study which, according to the division superintendent, incorporates the Standards of Learning objectives adopted by the Board of Education for mathematics and language arts, and supply evidence that the parent is able to provide an adequate education for the child.

Parents electing home instruction for their child must notify the division superintendent annually in August and must provide a description of the curriculum for the coming year as well as evidence of having met one of the home instruction criteria. Parents moving into a school division after the beginning of the school year must notify

¹⁷ Va. Code §§ 22.1-259; 22.1-260; 22.1-261 (1993).

¹⁸ Va. Code §§ 22.1-263; 22.1-264; 22.1-265; 22.1-266 (1993); 18.2-11; 18.2-371 (1993 Supp.); 16.1-278.5 (1993 Supp.).

¹⁹ Va. Code §§ 22.1-266; 22.1-267; 22.1-268; 16.1-226; 16.1-246 (1993).

the superintendent as soon as practicable of their intention to provide home instruction; the parent then has 30 days to present the required proof of compliance with eligibility criteria. The division superintendent must notify the Superintendent of Public Instruction of the number of pupils in home instruction. While home-schooled pupils are not included in a school division's average daily membership in calculating the local composite index, they are counted in the triennial census of the school population, used to determine the local share of state sales and use tax revenues.²⁰ (See Chapter 2, Public School Finance).

By August 1 following the school year in which home instruction was given, the parent must provide the division superintendent with either evidence that the child has achieved a composite score in or above the fourth stanine on a battery of tests approved by the Board of Education for use in the public schools, or an evaluation or assessment that, in the opinion of the superintendent, indicates the child is making adequate educational progress. Absent this evidence of satisfactory educational progress, the division superintendent may authorize a one-year probation and the filing of a remediation plan to address the educational deficiency. If evidence of educational progress and of the parent's ability to provide an appropriate educational experience are not provided by August 1 following the probationary year, home instruction must cease and other arrangements made for compliance with compulsory attendance. An appeals process is afforded parents aggrieved by the decision of the division superintendent.²¹

Pursuant to Board of Education guidelines, pupils age 15 and over who have received home instruction for three consecutive years or who have been excused from school attendance due to bona fide religious training or belief may obtain a high school equivalency certificate by sitting for and satisfactorily completing the general education development (GED) examination.²²

It is estimated that the number of students in home instruction nationwide grew from about 15,000 in the early 1970s to as many as 120,000 to 260,000 in the mid- to late 1980s.²³ Since its codification in 1984, home instruction has increased steadily throughout Virginia. In September 1992, 5,842 students were approved for home instruction; 3,725 were in grades K through 5, 1,281 in grades 6 through 8, and 836 in grades 9 through 12. School divisions of the Counties of Chesterfield, Fairfax, Fauquier, Henrico, Loudoun, and Prince William and the Cities of Chesapeake, Newport News,

²⁰ Va. Code §§ 22.1-254.1; 22.1-281 (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 135(A).

²¹ Va. Code § 22.1-254.1 (1993).

²² Va. Code § 22.1-254.2 (1993).

²³ P. Lines, "An Overview of Home Instruction," Phi Delta Kappan 510 (March 1987).

Norfolk, and Virginia Beach reported the largest numbers of home-schooled pupils. Nine school divisions indicated no students were receiving home instruction.²⁴

Education of Pupils in Custodial Facilities

Further ensuring the delivery of a compulsory education is Section 22.1-7 of the Code of Virginia, which clarifies the responsibility of each state board, agency, and institution having children in residence or custody to provide the education and training commensurate with that provided pupils in the public school system. These educational services may be provided on-site cooperatively with the Board of Education or pursuant to a contract with a public school division or other public or private nonsectarian school, agency, or facility. The Board prescribes standards for the education of students by these state facilities; the facilities in turn must submit annually their proposed educational programs for approval by the Board. The Board supervises the training and education of school-age residents in state mental retardation facilities and provides for and directs the education of school-age residents in state mental health facilities in cooperation with the Department of Mental Health, Mental Retardation and Substance Abuse Services.²⁵

Enrollment of Students

School age. While pupils ages five through 18 must meet compulsory attendance requirements or hold a valid excuse or exemption, the Code does not restrict school attendance to these age limits. The system of "free public elementary and secondary schools" cited in the Virginia Constitution and in statute must be open to persons who have reached age five by September of the school year and who have not reached age 20 on or before August 1 of the school year.²⁶ In 1990-91, public kindergartens in Virginia enrolled over 66,600 five-year-olds and 254 pupils under age five; about 2,000 secondary school pupils were age 20 or over.²⁷

²⁴ Virginia Department of Education, *Preliminary Report on the Status of Home Instruction in Virginia* at 2 (January 1993).

²⁵ Va. Code § 22.1-7 (1993).

²⁶ Va. Const., Art. VIII, § 1 (1987); Va. Code §§ 22.1-1; 22.1-2 (1993).

²⁷ Virginia Department of Education, Superintendent's Annual Report for Virginia 1991-92 at 26 (1993) [hereinafter referred to as Superintendent's Report].

TABLE 1
Ages of Compulsory School Attendance and Compulsory Provision of
Services for Special Education Students, By State: 1990-91 and March 1992

State	Compulsory attendance (March 1992)	Compulsory provision of services for special education (1990-91) ¹	State	Compulsory attendance (March 1992)	Compulsory provision of services for special education (1990-91) ¹
1	2	3	1	2	3
Alabama	7 to 16	3 to 20	Missouri	7 to 16	3 to 20
Alaska	² 7 to 16	3 to 21	Montana	² 7 to 16	3 to 18
Arizona	⁴ 8 to 16	3 to 21	Nebraska	7 to 16	Birth to 20
Arkansas	5 to 18	3 to 20	Nevada	7 to 17	3 to 21
California	6 to 16	3 to 21	New Hampshire	6 to 16	3 to 20
Colorado	7 to 16	3 to 20	New Jersey	6 to 16	3 to 21
Connecticut	7 to 16	3 to 21	New Mexico	6 to 18	3 to 21
Delaware	5 to 16	3 to 20	New York	⁵ 6 to 16	⁶ 3 to 21
District of Columbia	7 to 17	⁴ 3 to 21	North Carolina	7 to 16	3 to 20
Florida	6 to 16	3 to 18	North Dakota	7 to 16	3 to 20
Georgia	7 to 16	3 to 21	Ohio	6 to 18	3 to 21
Hawaii	6 to 18	3 to 20	Oklahoma	7 to 18	3 to 21
Idaho	7 to 16	3 to 20	Oregon	7 to 18	5 to 20
Illinois	7 to 16	3 to 20	Pennsylvania	8 to 17	3 to 21
Indiana	⁷ 7 to 16	3 to 17	Rhode Island	6 to 16	3 to 20
Iowa	7 to 16	Birth to 20	South Carolina	⁸ 5 to 17	3 to 20
Kansas	7 to 16	3 to 21	South Dakota	² 7 to 16	3 to 20
Kentucky	⁹ 6 to 16	3 to 20	Tennessee	7 to 17	3 to 21
Louisiana	7 to 17	3 to 21	Texas	¹⁰ 7 to 17	3 to 21
Maine	7 to 17	3 to 19	Utah	6 to 18	⁶ 3 to 21
Maryland	6 to 16	Birth to 20	Vermont	7 to 16	3 to 21
Massachusetts	8 to 16	3 to 21	Virginia	¹¹ 5 to 18	2 to 21
Michigan	6 to 16	Birth to 25	Washington	8 to 18	3 to 21
Minnesota	¹² 7 to 16	Birth to 20	West Virginia	6 to 16	3 to 22
Mississippi	6 to 17	3 to 20	Wisconsin	¹³ 6 to 18	3 to 20
			Wyoming	7 to 16	3 to 20

¹ Lower age limit for eligibility has been updated for 1990-91, upper age limit is for 1989-90.

² Ages 7 to 16 or high school graduation.

³ May leave after completion of eighth grade.

⁴ Ages 6 to 16 or tenth grade completion.

⁵ Ages 6 to 17 for New York City and Buffalo.

⁶ State has established two points in the program year by which children must be 3 years of age to be eligible for services.

⁷ Effective 1992-93, students between 16 and 18 are required to submit to an exit interview and have written parental approval before leaving high school.

⁸ Permits parental waiver of kindergarten at age 5.

⁹ Must have parental signature for leaving school between ages of 16 and 18.

¹⁰ Information last updated in 1988.

¹¹ Information last updated in 1990.

¹² Will change to 7 to 18 in the year 2000.

¹³ Ages 6 to 18 or high school graduation.

NOTE—The Education of the Handicapped Act (EHA) Amendments of 1990 make it mandatory for all states receiving EHA funds to serve all 3- to 18-year-old handicapped children.

Source: U.S. Department of Education, National Center for Education Statistics, *Digest of Education Statistics 1993* at 142 (October 1993).

Residency and initial enrollment. Children of school age are deemed to reside in the school division in which his parents or other person *in loco parentis* with whom he lives reside. Initial admission to public school in Virginia is contingent upon presentation of a certified copy of the pupil's birth record; the student's official state birth number is entered into his permanent school record. If a birth certificate is unavailable, the person enrolling the student must present an affidavit setting forth the pupils' age and explaining the absence of a certified copy of the birth record. If the division superintendent determines the information presented is sufficient to establish the pupil's age "with reasonable certainty," the child must be admitted to school; however, the principal must notify the local law enforcement agency of the lack of a pupil birth record. Within 14 days of enrolling a transfer pupil, the principal must contact the student's prior school to ascertain whether a certified copy of the pupil's birth record was presented upon initial enrollment. These provisions were designed in part to assist law enforcement officials in the recovery of missing children.²⁸

²⁸ Va. Code §§ 22.1-3; 22.1-3.1 (1993).

Admission of nonresident and other students. Local school boards possess discretionary authority to admit and charge tuition for students who are not of school age; nonresident students; foreign exchange students; students from other states granting the same privileges to Virginia students; and students residing on military or naval reservations. In addition, school boards may enroll school-age persons who are not Virginia residents but who are living temporarily in the school division; these pupils must be charged tuition. To avoid potentially discriminatory practices, school boards admitting nonresident and other students must adopt acceptance criteria consistent with federal and state law and regulation. Tuition charges may not exceed the total per capita cost of education, not including capital outlay and debt service, for elementary or secondary school pupils, and the actual, additional costs of any special or gifted education program. State education funds follow the nonresident student pursuant to calculated average daily membership; local funding is determined through the composite index.²⁹

Physical examinations and immunizations. Initial admission to public kindergarten or elementary school in Virginia is contingent upon furnishing evidence of a comprehensive physical examination conducted by a qualified physician within 12 months of the admission. Alternatively, the pupil may supply a physical examination report furnished upon prior admission to another school or division. The report is to indicate any conditions identifying the child as handicapped and is placed in the student's health record at the school. The preschool physical is not required when the parent objects on religious grounds and the child shows no evidence of sickness; however, the parent must attest in writing to the child's good health. Local health departments must conduct these physical exams without charge upon request for indigent children and may provide examinations to others on an established, uniform basis. Pupils receiving home instruction are not required to submit a physical examination report.

Parents of entering students must complete and return a health information form, developed by the Departments of Education and Health or by the school division and approved by the Superintendent of Public Instruction, within 15 days of its receipt. Failure to return the form authorizes the superintendent to exclude the child from school.³⁰

Immunization against diphtheria, tetanus, whooping cough, and poliomyelitis, as well as *Haemophilus influenzae* type b, rubeola, rubella, and mumps is required for all children in the Commonwealth. While the Code of Virginia establishes various ages for initial and second doses, the tracking mechanism ensuring enforcement of these provisions is found in school admission requirements. Documentary evidence of proper immunization is necessary to be admitted to public school in Virginia. Students with incomplete immunizations may be admitted conditionally; proof of initial doses and a completion schedule are required. Exemptions from immunization are granted when the

²⁹ Va. Code § 22.1-5 (1993).

³⁰ Va. Code § 22.1-270 (1993).

student or his parent submits an affidavit indicating that the immunization conflicts with the student's religious beliefs and when a physician certifies that immunization is contraindicated. Legislation adopted in 1993 ensures that students receiving home instruction will have proper immunization.

Open to inspection by the State and local health departments, pupil immunization records become part of the student's permanent records and must accompany the student upon transfer to another school. Board of Health regulations, developed in cooperation with the Board of Education, govern immunization and school admission requirements. When an outbreak, epidemic, or potential epidemic of a particular disease is identified, the Commissioner of Health may exclude from school attendance those pupils not immunized against the particular disease and may require immediate vaccination unless a physician certifies that such action would be detrimental to the health of the student. Further, students suffering from contagious or infectious diseases are to be excluded from school while in that condition.

Other measures protecting pupil health include required sight and hearing testing, mandatory use of protective eye wear when involved in various vocational or laboratory activities, and criteria for the identification and use of toxic art materials.³¹ Local school board guidelines, consistent with those developed by the Board of Education in cooperation with the Board of Health, govern school attendance by pupils infected with the human immunodeficiency virus.³²

School uniforms. Model guidelines developed by the Board of Education pursuant to an uncodified act of the 1991 General Assembly serve as a basis for the establishment of local policies and procedures governing school uniforms. Currently, the school boards of the Cities of Petersburg and Portsmouth are specifically permitted to establish requirements for pupils to wear uniforms during the regular school day. No state funds may be used for the purchase of these uniforms. Prompted by concerns regarding student self-image, thefts of increasingly expensive student "designer" clothing and shoes, and the link between certain clothing and gang or cult identification, school uniform programs--voluntary and mandatory--have been explored not only in Virginia but in Maryland, the District of Columbia, Connecticut, Louisiana, Michigan, and New York as well. The Department of Education has cited the need for parental and community involvement in the development of school uniform programs, as well as attention to cultural and religious factors, student age, and individual freedoms. Evaluation of school uniform programs was also recommended to determine whether the

³¹ Va. Code §§ 32.1-46; 32.1-47; 32.1-48 (1992); 22.1-271.2; 22.1-271.4, 22.1-272; 22.1-273; 22.1-274.1; 22.1-275 (1993).

³² Va. Code §§ 22.1-271.3; 22.1-273; 22.1-275 (1993).

program has reduced clothing costs, improved discipline, and enhanced attention to academic work.³³

Student Conduct and Discipline

Pursuant to Standard 7 of the Standards of Quality (SOQ), each school board's policy manual must include standards for student conduct and attendance, as well as enforcement procedures "designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights."³⁴ Echoing the need for student conduct guidelines are the Standards of Accreditation, which direct instructional staff to "define acceptable student behavior and develop a system of discipline that minimizes disruption without demeaning the student responsible for the behavior, consistent with the policies of the school board." Individual school policies are to be distributed to each student and their parents.³⁵

Prior to 1989, teachers and principals were permitted discretion in the administration of "reasonable" corporal punishment. Today, corporal punishment is prohibited under Virginia law. This prohibition does not, however, affect the use of minor, physical contact designed to maintain order or the application of reasonable and necessary force (i) in self-defense; (ii) in defense of others; (iii) to prevent a student from harming himself; (iv) to stop a disturbance or remove a student from a disturbance that threatens injury to persons or damage to property; or (v) to recover a weapon or other dangerous object.³⁶

While the Standards of Accreditation place student participation in school-sponsored extracurricular activities under staff supervision and prohibit participation in varsity sports at the elementary school level, student participation in athletics and other extracurricular activities is typically governed by interscholastic associations and local school boards, rather than by state law or regulation. An exception to this practice appears in § 22.1-276.1, enacted in 1992 with a two-year sunset provision. Students who are members of an interscholastic sports team are specifically permitted to join an independent "club" team in the same sport if this participation does not conflict with the school team schedule. This additional sports affiliation may not be the basis for declarations of school or pupil ineligibility for interscholastic competition.³⁷

³³ 1991 Acts of Assembly, c. 671; 1992 Acts of Assembly, c. 211; Report of the Department of Education on Model Guidelines for the Wearing of Uniforms in Public Schools, House Document No. 27 at 1, 2, 7, 9, 10 (1992).

³⁴ Va. Code § 22.1-253.13:7 (1993).

³⁵ Virginia Department of Education, Standards and Regulations for Public Schools in Virginia at 22 (1992) [hereinafter referred to as Standards and Regulations].

³⁶ Va. Code § 22.1-279.1 (1993).

³⁷ Standards and Regulations, *supra* note 35, at 20; Va. Code § 22.1-276.1 (1993).

Suspensions and Expulsions

Minimum statutory standards for the suspension and expulsion of students, consistent with the 1975 U. S. Supreme Court decision in *Goss v. Lopez*, provide the basis for local school board procedures addressing disciplinary actions. Students may be suspended for not more than 10 days upon written or oral notice by a teacher or principal. Upon denying the charges, the pupil is entitled to present his version of the incident prompting the expulsion; however, this pre-expulsion "hearing" is pre-empted when the pupil's presence poses a continuing danger to persons or property or an ongoing threat of disruption--in these instances, the pupil may be suspended immediately and the notice and explanation given as soon as practicable. The teacher or principal responsible for the suspension must submit a written report of the facts of the case to the division superintendent and the student's parents. Upon petition from a party in interest, the division superintendent must review and either confirm or lift the suspension; the superintendent's decision is appealable to the local school board or a committee thereof. Suspensions exceeding 10 days must be accompanied by written notice apprising the parents of the proposed disciplinary action and of the right to a hearing before the school board or a committee thereof or, if permitted by school board regulations, by the division superintendent or his designee. Local school board regulations authorizing a hearing by a committee of the school board or by the superintendent or his designee must also provide for an appeal to the full school board. These appeals must be decided within 30 days.

Written notice to the pupil and his parents, citing reasons for the proposed action and the right to a hearing, are required for expulsions. Again, the pupil is entitled to a hearing before the school board or a committee thereof pursuant to local school board regulations. Consistent with the procedures governing suspensions exceeding 10 days, local regulations authorizing expulsion hearings before a committee of the school board or the superintendent or his designee must also provide for an appeal to the full school board. The school board has 30 days to make a decision on the appeal.

While the Code of Virginia outlines clear procedural standards for suspensions and expulsions, local school boards have traditionally held broad discretionary authority in establishing grounds for these disciplinary actions. Legislation adopted as part of the 1993 Virginia School Crime and Violence Prevention Act should enhance consistency and uniformity in disciplinary standards, as the Board of Education will be required to establish by July 1, 1994, guidelines for criteria governing suspensions and expulsions as well as standards for school board policies on student crime and violence. School boards will be required to adopt regulations consistent with, or more stringent than, these Board guidelines, no later than October 31, 1994.³⁸

³⁸ Va. Code §§ 22.1-277; 22.1-278 (1993).

School Crime and Violence

Escalating school violence has prompted legislators, educators, and school administrators nationwide to examine security and prevention measures in recent years. Studies have indicated that approximately 3 million crimes occur annually on school grounds; it is estimated that as many as 100,000 pupils carry firearms to school.³⁹ In 1991, drug use and lack of discipline were cited as the most significant problems facing public schools.⁴⁰ The Commonwealth has not been immune to these alarming trends, as Virginia's public schools have witnessed numerous acts of violence and crime in the last decade.

Since 1981, Virginia law has required the reporting of attempted or actual assaults by students on school personnel. Amendments effective in 1991 specified that incidents involving the "death, shooting, stabbing, cutting or wounding of any person" or any conduct involving "alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid" on school property, school buses, or at school-sponsored activities must also be reported to school principals. This data is then compiled semi-annually and transmitted by the principal to the division superintendent, who in turn reports this information annually to the Department of Education. Any division superintendent who knowingly fails to comply with the reporting requirements may be subject to a fine, suspension, or removal from office.⁴¹

Curtailling school crime and violence has been of ultimate concern to the Virginia legislature in the last decade. Legislation adopted in 1982 created drug-free school zones and imposed a separate criminal penalty for sales of drugs on school property.⁴² Acting on the recommendations of a two-year joint legislative subcommittee, the 1991 General Assembly strengthened school crime reporting requirements and imposed stiffer penalties for trespass and possession of firearms on school property.⁴³ The Virginia State Crime Commission submitted a plan for drug-free schools in 1992, while a special summit of individuals representing the perspectives of educators, administrators, government leaders, parents, and students, sponsored by the Virginia Association of School

³⁹ "Shootouts in the Schools," Time 116 (November 20, 1989).

⁴⁰ Education Statistics, *supra* note 1, at 30.

⁴¹ Va. Code §§ 22.1-280.1; 22.1-65 (1993); 1990 Acts of Assembly, c. 797; 1991 Acts of Assembly, c. 295.

⁴² Va. Code § 18.2-255.2 (1993 Supp.).

⁴³ See generally, Report of the Joint Subcommittee Studying Acts of Violence and Crime by Students on School Property, House Document No. 61 (1991).

Superintendents, endorsed the passage of a comprehensive safe school legislative program in 1993.⁴⁴

Prompted by reports of increased incidents involving weapons, drugs, and assaults among students, a special joint subcommittee proposed the **Virginia School Crime and Violence Prevention Act**, addressing guidelines for school disciplinary actions, disclosure and transfer of student records, and student expulsions. Adopted by the 1993 Session, this legislation balances individual privacy rights with the school's interest in maintaining a safe learning environment. The measure clarifies the right of any school division in Virginia to exclude from attendance for one year students expelled from a private or public school in Virginia or in another state for an offense involving weapons, drugs, or assault. A notice, hearing, and appeal process ensure the protection of individual due process rights. Admission to public schools will be conditioned on a statement indicating whether the pupil has been expelled from another school. School superintendents will be notified of cases in which students have been adjudicated delinquent on the basis of drug, weapons, or assault offenses.⁴⁵

Also endorsed during the 1993 Session were **school crime line programs**. These confidential, anonymous crime reporting systems receive, screen, and, when the report leads to arrest or recovery of contraband or stolen property, reward student reports of any unlawful acts. Police or other law-enforcement personnel will staff every school crime line program and direct reported information for further investigation as may be appropriate. These programs may be established in a variety of ways: by a local school board as a joint, self-sustaining, cooperative alliance with news media, the community, and law-enforcement authorities; through a separate nonprofit cooperation initiated jointly by the school board, news media, the community, and law-enforcement authorities, and governed by a board of directors; or as part of a local "Crime Stoppers" program. No state or local funds appropriated for educational purposes can be used to implement a school crime line.⁴⁶

Alternative Education

To ensure educational opportunity--and compliance with compulsory attendance laws--the Code of Virginia offers a number of alternative education initiatives for those students who have been removed from school or for whom attendance at school is deemed inappropriate. The juvenile and domestic relations court in the county or city in which the pupil resides, or in which charges are pending against the pupil, may require students charged with crimes involving arson, injury or potential injury to himself or others, or the possession or distribution of drugs to attend an alternative education program. These alternative programs may include night school, adult education, or other

⁴⁴ Report of the Virginia State Crime Commission on The Virginia Plan for Drug-Free Schools, House Document No. 47 (1992); The Education Summit, Violence in Schools (October 1992).

⁴⁵ 1993 Acts of Assembly, c. 889; Va. Code §§ 22.1-3.2; 22.1-277.2; 22.1-278 (1993).

⁴⁶ Va. Code § 22.1-280.2 (1993).

initiatives designed to offer instruction to students for whom regular school attendance may be inappropriate. The Board of Education was directed in 1990 to establish **Programs for Persons At-Risk (PPAR)**, an inter-agency approach to educational, social, health, and other support services for children deemed at-risk for poor academic performance or who have been expelled, have dropped out, or are habitually absent from school.⁴⁷

Further expanding the range of alternative education opportunities was legislation adopted in the 1993 Session, directing the Board of Education to establish a program of alternative education options for students who have committed offenses involving weapons, alcohol or drugs, or intentional injury to another person, or who have been expelled. The new program will consist of no more than four regional pilot projects awarded on a competitive basis to applicants responding to requests for proposals. Each approved project must be submitted by two or more school divisions and must include a plan for staffing, funding, and student enrollment capacity; an intensive, accelerated curriculum; emphasis on self-esteem building and social and personal responsibility; low pupil-teacher ratios; specific, measurable goals and objectives; a mechanism for transitioning students into the regular instructional program; and a current program of staff development and training. The 1993-94 biennial budget allocates \$1,200,000 for these pilot initiatives.⁴⁸

School Drop Out

Although dropout rates have declined nationally since the 1970s, the challenge of keeping young people in school remains a pressing concern. In 1991, 12.5 percent of the total U.S. population, ages 16 to 24, had dropped out of school.⁴⁹ Virginia's deceptively low 1990-91 high school dropout rate--only 3.4 percent--belied a staggering total of 14,373 students who left public school.⁵⁰ Educators and government leaders agree that excessive dropout rates "threaten the nation's productivity and represent a tragic waste of lives."⁵¹

The importance of reducing school drop out has long been recognized in the Commonwealth. The 1986 Governor's Commission on Excellence in Education cited

⁴⁷ Va. Code § 22.1-277.1; 22.1-279.2 (1993).

⁴⁸ 1993 Acts of Assembly, cc. 819, 856; Va. Code § 22.1-209.1:2 (1993 Supp); see also, Virginia Department of Education, *Superintendents' Memorandum No. 33* (April 1993); Virginia Department of Education, *RFP Packet, Pilot Projects for an Alternative Education Program 1993-94* (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 135(C)(7)(c).

⁴⁹ Education Statistics, supra note 1, at 109.

⁵⁰ Superintendent's Report, supra note 27, at 22-25.

⁵¹ A. Hahn, "Reaching Out to America's Dropouts: What to Do?" Phi Delta Kappan 256 (November 1987).

unacceptable statewide dropout rates, noting that "no [public school] system claiming excellence can have as a byproduct each year thousands of functionally illiterate dropouts."⁵² A continuing legislative subcommittee examining school drop out and the development of self-esteem among youth and adults has explored the societal, behavioral, financial, and health problems exacerbating Virginia's drop out rates since 1988.⁵³ Comprehensive legislation adopted in 1990 and effective in 1992 directed the Board of Education to establish, "with such funds as are appropriated for this purpose," a noncompetitive grants program for dropout prevention initiatives. Eligible programs must emphasize prevention, intervention, retrieval, and parental and community involvement and must include a component addressing poor academic performance among disadvantaged students. The Board was statutorily directed to establish a full-time dropout prevention unit to administer this grants program and to provide technical assistance to school divisions.⁵⁴ The 1993-94 biennial budget earmarked approximately \$11 million for dropout prevention payments.⁵⁵

Also enhancing dropout prevention efforts is the **Virginia Guaranteed Assistance Program (VGAP)**, established in 1992 to decrease the dropout rate among pupils in grades 6 through 12 and among financially needy students by providing financial assistance for college tuition. Administered cooperatively by the Board of Education and the State Council of Higher Education, the program includes residency and academic performance requirements. A total of \$500,000 was appropriated in 1993 to begin the capitalization of the Virginia Guaranteed Assistance Fund.⁵⁶

Project Discovery also combats drop out by enhancing motivation and access to secondary and post-secondary education among minority and low-income students. While participation in the program is voluntary, students must meet certain eligibility criteria. The Department of Education administers this program pursuant to a contractual arrangement with Project Discovery, Inc. Having received its initial state appropriation in 1986, Project Discovery was allotted over \$1 million in state general education dollars in 1993-94. Nearly \$900,000 of these moneys support one-half of the costs of the program in Abingdon, Charlottesville, Alexandria, Newport News, Richmond, Roanoke, Norfolk, Cumberland, Tazewell, Surry/Sussex, Danville/Pittsylvania, Franklin/Patrick, Goochland/Powhatan, and Accomack/Northampton, and a fiscal officer salary. Funding

⁵² Report of the Governor's Commission on Excellence in Education, Excellence in Education: A Plan for Virginia's Future at 6 (1986).

⁵³ House Joint Resolution No. 124 (1988); House Joint Resolution No. 336 (1989); Senate Joint Resolution No. 130 (1990); House Joint Resolution No. 386 (1991); House Joint Resolution No. 177 (1992); House Joint Resolution No. 699 (1993).

⁵⁴ Va. Code § 22.1-209.1:1 (1993); 1990 Acts of Assembly, c. 797.

⁵⁵ 1993 Acts of Assembly, c. 994, § 1-46, Item 133(J).

⁵⁶ Va. Code §§ 23-38.53:4; 23-38.53:5; 23-38.53:6; 23-38.53:7 (1993); 1993 Acts of Assembly, c. 994, § 1-47, Item 154(H).

in the amount of \$120,000 was appropriated for new programs in Amherst, Appomattox, Bedford, Bland, Campbell, Fairfax, Lynchburg, Smyth, Williamsburg/James City, and Wythe.⁵⁷

Pursuant to the Standards of Accreditation, each school principal must maintain records of dropouts, including efforts to prevent students from leaving school and their reasons for dropping out. In addition, the principal must develop and implement a dropout prevention program as part of the biennial school plan. Included within this program are alternative programs emphasizing basic skills; interviews and counseling sessions; and contact with the parents of potential dropouts.⁵⁸

Student Records

To ensure the protection of individual privacy rights, access to pupil scholastic records--detailing academic and personal development as well as disciplinary actions--is restricted by statute. Access to these materials is restricted to the pupil's teachers; parents; the principal where the pupil is enrolled, has been enrolled, or intends to enroll; law-enforcement officers and protective services; the Superintendent of Public Instruction; a designee of the pupil or his parents, if the pupil is a minor; and the pupil himself (who may be required to obtain parental consent if he is a minor). The parent or pupil requesting these scholastic records need only appear during school hours to examine the records, which may not be edited or withheld. Among the exceptions to this restricted access are disclosures for purposes of scholarships awards, participation in athletic and other school activities, eligibility for public assistance, and certain research efforts.⁵⁹ Exceptions are also made for directory publications, consistent with federal law and Board of Education regulations, and for college and military recruiters.⁶⁰ Finally, student records may assist in locating missing children, as school principals are to note the disappearance of any enrolled child in the child's records; law-enforcement authorities are to be notified of any request for these cumulative records.⁶¹

Pursuant to the 1993 Virginia School Crime and Violence Prevention Act, school divisions may request and receive a transfer student's complete scholastic records--including academic as well as disciplinary records. Protecting the student's privacy interest is a criminal penalty for unlawful disclosure of delinquency adjudications by

⁵⁷ 1993 Acts of Assembly, c. 994, § 1-46, Item 133(E)(1); Report of the Secretary of Education, State Administration of Project Discovery (Item 134 of Chapter 668, 1989 Acts of Assembly), House Document No. 42 (1990).

⁵⁸ Standards and Regulations, *supra* note 35, at 21.

⁵⁹ Va. Code § 22.1-287 (1993).

⁶⁰ Va. Code §§ 22.1-287.1; 22.1-288 (1993).

⁶¹ Va. Code § 22.1-288.1 (1993).

school personnel. While transfers of student records are generally governed by Board of Education regulations, this legislation clarified that "scholastic records" include not only "Category I" records--those documenting "educational growth and development"--but also "Category II" records--containing information of a "sensitive or confidential nature," typically relating to disciplinary actions and personal information.⁶²

Programs and Courses of Instruction Generally

Kindergarten

While the Standards of Quality establish minimum requirements for educational programs and curricula in the Commonwealth's public schools, a number of instructional programs are also required by statute. Kindergarten programs, which, according to the SOQ, must emphasize "developmentally appropriate learning," find greater detail elsewhere in the Code of Virginia. Each school division's plan for kindergarten must include a statement of the purpose and objectives of the program, recognizing the various maturity and development levels of kindergarten pupils. The kindergarten program must reflect the input of early childhood specialists, parents, teachers, and administrators and must include a plan for the "interface" of the kindergarten program with the primary grades "to allow for continuous progress."⁶³ These requirements are consistent with the findings of a 1980 joint legislative subcommittee, which recognized the "crucial nature of the first years at school" and urged that "the home and school become partners in the educational process."⁶⁴ Finally, the Standards of Accreditation mandate a minimum of three hours a day, for a total of 540 hours per school year, for kindergartens.⁶⁵

Specific Courses and Subjects

Historical documents. The SOQ direct all school boards to develop and implement instructional programs for grades K through 12 that emphasize specific subjects, such as reading, mathematics, sciences, history, languages, and fine arts. Separate statutory provisions dictate that significant documents in Virginia history--the Declaration of Independence, the United States Constitution, and other documents--be "explained and taught" throughout the elementary, middle, and secondary school grades. In addition, instruction in the history and principles of the United States and Virginia flags must be offered in at least one grade level. The Standards of Learning Objectives for Social Studies for grades 5, 7, and 11 further support the study of these historical documents. Acknowledging the bicentennial of the Bill of Rights of the United States

⁶² Va. Code § 22.1-289 (1993); Standards and Regulations, *supra* note 35, at 26.

⁶³ Va. Code § 22.1-199; 22.1-253.13:1 (1993).

⁶⁴ House Document No. 10, *supra* note 12, at 7.

⁶⁵ Standards and Regulations, *supra* note 35, at 18, 19.

Constitution, the 1991 General Assembly requested the Board of Education to direct school divisions to emphasize this instructional requirement.⁶⁶

Physical and Health Education; Accident Prevention. Omitted from the Standards of Quality but nonetheless included in the Standards of Learning and required for graduation pursuant to the Standards of Accreditation, physical and health education must be infused "throughout the public school curriculum" and must be included in the elementary, middle, and secondary grades as prescribed by the Board of Education. Instruction regarding drug abuse is also required in the public schools; again, Board regulations govern the specific curriculum. Accident prevention, including training in fire prevention and traffic safety, is required in one or more of the elementary or secondary grades.⁶⁷

In 1991, the Department of Education reviewed health programs in the public schools and the efficacy of adopting a comprehensive approach to health education, and recommended a continued commitment to the development of comprehensive health programs that address all health education and health services needs "in a coordinated and comprehensive manner."⁶⁸ Public school programs for HIV/AIDS prevention were also reviewed in 1991; AIDS prevention is incorporated in health education in most school divisions.⁶⁹

Driver Education. Comprised of classroom and behind-the-wheel training, driver education is offered in Virginia public schools at the discretion of the local school board, which may also determine if the course is to be an elective or a requirement. The program must include instruction on alcohol and drug abuse; specific standards for driver education are included in the Standards of Learning Objectives for Health. In a 1987 report comparing public school and commercial driver education programs, the Board of Education found that crash and conviction rates of students instructed in public and private school driver education programs were lower than those of students instructed in commercial programs.⁷⁰

⁶⁶ Va. Code §§ 22.1-253.13:1; 22.1-201; 22.1-202 (1993); Report of the Department of Education, *Emphasis on the Instruction on the Documents of Virginia and United States History and Government*, Senate Document No. 3 (1993).

⁶⁷ Va. Code §§ 22.1-204; 22.1-206; 22.1-207 (1993); Standards and Regulations, *supra* note 35, at 25; Virginia Department of Education, Standards of Learning Objectives for Public Schools: Health (1990).

⁶⁸ Report of the Department of Education on Current Health Programs in the Public Schools of Virginia and the Efficacy and Appropriateness of Adopting a Comprehensive Approach to Health Education, House Document No. 21 (1992).

⁶⁹ Report of the Department of Education on Current HIV/AIDS Prevention Programs in the Public Schools of Virginia, House Document No. 22 (1992).

⁷⁰ Va. Code § 22.1-205 (1993); Report of the Board of Education Evaluating the Public School and Commercial Driver Education Programs, House Document No. 29 at 8 (1987).

Use of a standardized driver education program, developed by the Board of Education, enables the school division to receive state funds appropriated for driver education. Learner's permit fees, deposited in the driver education fund of the state treasury, support this program. The state's share for driver education is included within basic operation costs as an "undesignated component"; a designated per pupil amount is deducted from a school division's basic aid payment if the division's driver education program does not comply with statutory requirements. Local school boards may charge a per-pupil fee for behind-the-wheel training which, when combined with the basic aid payment, does not exceed the actual per-pupil cost. Board regulations govern behind-the-wheel instruction, operation of vehicles, and the use and certification of paraprofessionals as teaching assistants in these courses.⁷¹

Virginia Reading to Learn Project. Supporting the reading requirement included in the SOQ is the Virginia Reading to Learn Project, an initiative designed to emphasize reading as "an integral part of instruction in every subject" in the middle and high school grades. Six regional sites, located at Old Dominion University/Norfolk State University, the University of Virginia, Virginia Polytechnic and State University, George Mason University, Virginia Commonwealth University, and James Madison University, provide summer training institutes "to better equip middle and high school teachers to provide this emphasis." The Project received a \$156,000 appropriation in each year of the 1992-94 fiscal biennium.⁷²

Family Life Education. Pursuant to the Standards of Accreditation, family life education (FLE) is a statewide, required program for grades K through 12, dependent upon state appropriation. Standards of Learning guidelines define the parameters for age-appropriate instruction emphasizing family living and community relationships, human sexuality and reproduction, and the prevention of sexually-transmitted diseases. Pursuant to statute, parents have the right to review the complete family life education curricula, including supplemental materials. These materials are to be kept in the school library or office for review during school hours. School boards must develop summaries of the family life education program to assist parents in understanding the program and to encourage parental guidance and involvement.

Pursuant to the Standards of Accreditation, local school boards have the option of implementing the Board's approved FLE program or a program developed locally. Board of Education regulations specify that a community involvement team, comprised of citizen members, educators, administrators, clergy, and medical professionals, must be identified to provide local input in the development and implementation of any family life education initiative. Locally developed programs must provide age-appropriate

⁷¹ Va. Code §§ 22.1-205 (1993); 46.2-335 (1989); Virginia Department of Education, Standards of Learning Objectives for Virginia Public Schools: Health at 38-40 (1990); 1993 Acts of Assembly, c. 994, § 1-46, Item 135(C)(3)(e).

⁷² Va. Code § 22.1-208.1 (1993); 1993 Acts of Assembly, c. 994, § 1-46 Item 133(E)(2).

instruction, using the Standards of Learning objectives as a reference. The Board's approved program and any locally developed program must include an "opt-out" procedure for parents who wish to excuse their children from all or any part of the FLE program. Finally, the regulations require persons selected by the locality to teach family life education to participate in a special training program developed by the Department of Education.⁷³

The family life education program reflects decades of legislative and agency review. Prior to 1954, the subject was not addressed through state policy or regulation and was simply incorporated in biology or health education courses in some school divisions. Pursuant to Board of Education regulations adopted in 1954, Board approval of these programs would be necessary prior to implementation. Program approval procedures were later detailed in 1963 regulations; 1970 regulations affirmed local authority to offer family life education and clarified existing approval processes.⁷⁴ Prompted by alarming statistics regarding teenage pregnancy, abortion, and infant mortality, the 1986 Session of the General Assembly created a joint legislative subcommittee to examine these issues and to make recommendations to reduce teen pregnancy through education, service delivery, and financial responsibility. Based on the recommendations of this joint subcommittee, the 1987 Session adopted legislation directing the Board of Education to develop standards of learning, curriculum guidelines, and teacher training requirements by December 1, 1987.⁷⁵ A 1990 evaluation of the family life education program indicated that school superintendents found the opt-out process and time constraints for program implementation the most critical problems affecting compliance with FLE requirements.⁷⁶

Electronic Classrooms. Expanding and improving curriculum offerings in public high schools throughout the Commonwealth is the Statewide Electronic Classroom Program. The Board of Education was directed to establish this program in 1988, "from such funds as are appropriated," for availability to every public high school by July 1, 1990. Using Virginia's five educational television stations and earth satellite stations, the program facilitates the broadcast of instructional programs not offered in all schools. The program also includes in-service training for instructional, administrative, and support personnel. The Department of Education is to develop a five-year plan to make educational technology "an integral part of public school education." State and

⁷³ Va. Code § 22.1-207.1; 22.2-207.2 (1993); Standards and Regulations, *supra* note 35, at 19; Virginia Board of Education, *Family Life Education: The Board of Education's Response to House Bill No. 1413* at xv, xvii (March 1988).

⁷⁴ Committee on Sex Education in the Public Schools, Senate Document No. 3 at 2-4 (1970).

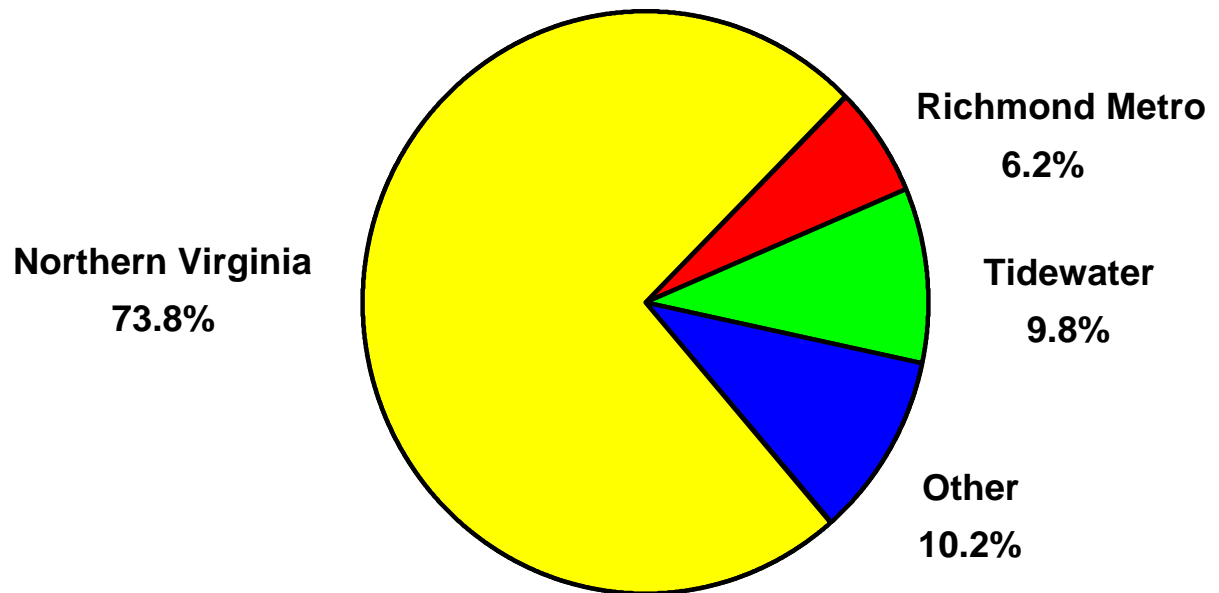
⁷⁵ Va. Code § 22.1-207.1 (1993); Report of the Joint Subcommittee Studying Teenage Pregnancy, House Document No. 39 at 3, 18 (1987); *see also*, Report of the Joint Subcommittee Studying Teenage Pregnancy Prevention, House Document No. 45 (1988).

⁷⁶ Research Dimensions, Inc., The Virginia Family Life Education Program: An Evaluation of the Effectiveness of Implementing State Educational Policy (Short Term Evaluation) at 10 (June 29, 1990).

local funds support this initiative; the local share is computed using the local composite index.⁷⁷

English as a Second Language Enrollments

**Geographic Concentrations, Fall 1992
Virginia Public Schools, Grades K-12**



Source: Virginia Department of Education

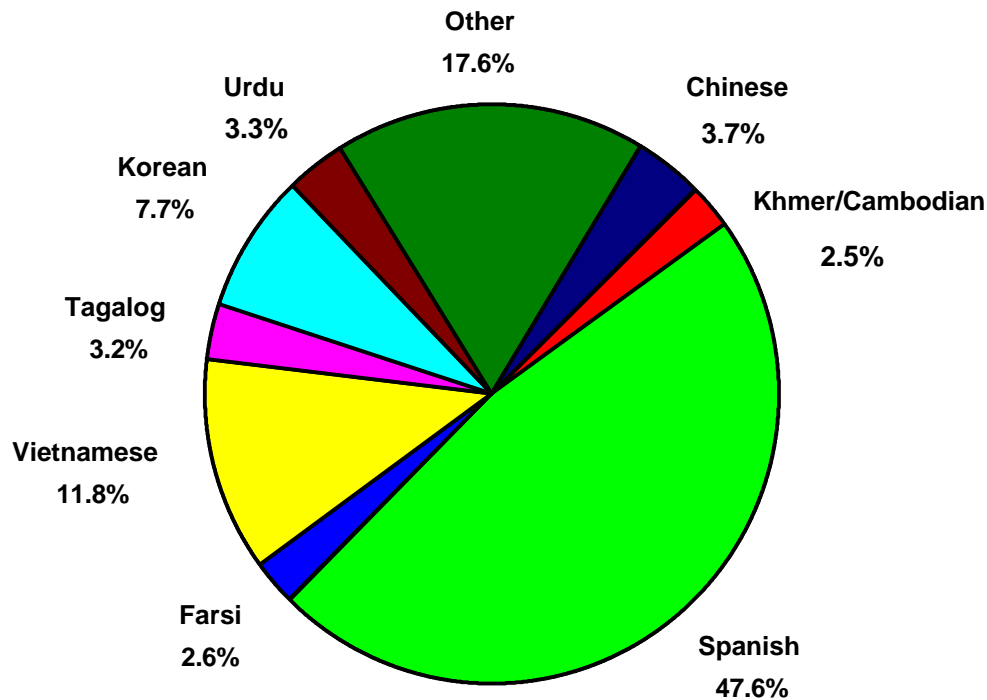
English as a Second Language. By statute, English is designated as the official language of the Commonwealth. While school boards have no obligation to teach the standard curriculum (with the exception of foreign language courses) in any other language, they are to "endeavor to provide instruction in the English language which shall be designed to promote the education of students for whom English is a second language (ESL)."⁷⁸ Having directed the Department of Education to "assess the special educational needs of students who speak English as a second language" in 1988, the legislature has since allocated specific funds for ESL initiatives. In the 1990-92 fiscal biennium, the Commonwealth appropriated \$785,250 and \$944,510 to pay 60 percent and 70 percent, respectively, of the state share for nine professional instructional positions per 1,000 pupils for whom English is a second language. During the 1992-94 fiscal biennium, a cultural transition payment of \$1,880,697 was allocated in each year

⁷⁷ Va. Code § 22.1-212.2 (1993); 1993 Acts of Assembly, c. 994, § 1-46, Item 133(I).

⁷⁸ Va. Code § 22.1-212.1 (1993).

for the entire state share of these instructional positions.⁷⁹ In Fall 1992, nearly 18,000 students were enrolled in ESL courses, representing over 95 language backgrounds.⁸⁰

Language Populations, Fall 1992 Virginia Public Schools, Grades K-12



Source: Virginia Department of Education

Pupil Programs and Services

Guidance and counseling services. Standard 2 of the Standards of Quality requires each local school board to maintain a program of pupil personnel services "designed to aid students in their educational, social and career development."⁸¹ To support this mandate, school boards must provide free employment counseling and placement services apprising secondary school students of opportunities that may include apprenticeships, the military, and career education schools. The school board is to consult with the Virginia Employment Commission, the Department of Labor and

⁷⁹ 1988 Acts of Assembly, c. 800, § 1-44, Item 126; 1990 Acts of Assembly, c. 972, § 1-49, Item 170(F); 1991 Acts of Assembly, c. 723, § 1-49, Item 170(F); 1992 Acts of Assembly, c. 893, § 1-46, Item 133(F); 1993 Acts of Assembly, c. 994, § 1-46, Item 133(F).

⁸⁰ Virginia Department of Education, *Virginia Public School ESL Enrollment: K-12* (November 1992).

⁸¹ Va. Code § 22.1-253.13:2 (1993).

Industry, local business and labor organizations, and career schools as approved by the Board. Model programs in elementary developmental guidance and counseling are supported by Board of Education grants, awarded on a competitive basis.⁸²

Outlining the many objectives of public school guidance and counseling services are the Standards of Accreditation. Guidance counseling should assist in curriculum planning at the middle and secondary levels to facilitate the selection of "appropriate and challenging courses" and should ensure that each pupil enrolls in courses contributing to graduation. In addition to furnishing information regarding employment opportunities for students who are graduating or leaving school, school counseling services are to provide opportunities for parents and teachers to participate in activities that enhance personal, social, educational, and career development of students. Dropout and substance abuse prevention also fall within the purview of guidance counseling services. The Standards clarify that each guidance staff member must devote at least 60 percent of their efforts to student counseling. Finally, the Standards of Accreditation establish minimum staffing levels, requiring that one full-time guidance staff member be employed on an 11-month basis for secondary schools enrolling at least 350 pupils and middle schools enrolling at least 400 pupils.⁸³ These support services are funded from basic school aid.⁸⁴

Free Textbooks. Included within the Constitutional mandate to provide for compulsory elementary and secondary education is the duty of the General Assembly to "ensure that textbooks are provided at no cost to each child attending public school whose parent or guardian is financially unable to furnish them."⁸⁵ The Governor's Commission on Educational Opportunity for All Virginians recognized that "textbooks are fundamental to a child's ability to take advantage of educational opportunity" and recommended revisions to the Standards of Quality to provide for free textbooks.⁸⁶ At the time of the Commission's 1991 recommendation, school divisions were only encouraged to establish free or rental textbook systems and were only required to provide free textbooks to children in financial need. Legislation adopted in 1993, however, explicitly requires school divisions to provide free textbooks and workbooks to all pupils and directs the Board of Education to promulgate regulations governing this practice. Contingent upon a legislative appropriation to cover the state's share of free textbooks and workbooks, the measure also included a delayed effective date of July 1, 1994.⁸⁷

⁸² Va. Code § 22.1-209; 22.1-209.1 (1993).

⁸³ Standards and Regulations, *supra* note 35, at 22, 23, 27, 28.

⁸⁴ 1993 Acts of Assembly, c. 994, § 1-46, Item 135(C)(3).

⁸⁵ Va. Const., Art. VIII, § 3 (1987).

⁸⁶ Governor's Commission on Educational Opportunity for All Virginians, Final Report at 67, 74 (1991)[hereinafter referred to as Final Report].

⁸⁷ Va. Code §§ 22.1-251; 22.1-252 (1993).

Currently, pursuant to an incentive fund established in the Appropriation Act, school divisions operating a free textbook system are reimbursed for 75 percent of the local share of textbook costs; other school divisions receive 25 percent of the local share. For purposes of this fund, the local share of textbook costs is computed on the basis of a per pupil costs of \$26.73 in 1993-94, using adjusted average daily membership. Basic operation costs for each school division include the provision of free textbooks.⁸⁸

A November 1992 report of the Department of Education indicated that student fees comprise 19 percent of revenues generated for textbook costs, with the Commonwealth supporting 40 percent and the localities, 41 percent. Currently, 84 school divisions collect no instructional fees for textbooks, other than for behind-the-wheel training; textbook fees in other divisions ranged from \$3 to \$37. In addition, although 23 divisions provide free textbooks for grades K through 12, nine divisions charge a materials or instructional fee.⁸⁹

Textbook selection. While approval of all textbooks is within the purview of the Board of Education, school divisions may select and use other textbooks pursuant to Board regulations. Approved textbooks must remain in circulation for at least six years, subject to one- to four-year renewals, unless the book becomes obsolete or if a change would materially decrease costs. Virginia statutes also govern contracts between the Board and publishers for the purchase and delivery of approved textbooks. Board regulations address direct purchases from publishers by local school boards as well as the distribution and care of these instructional materials.⁹⁰

Pupil transportation. School boards are authorized, but not required--except in the case of disabled students--to provide pupil transportation services. Board of Education regulations govern not only the construction, design, operation, equipment, and color of public school buses, but also the distribution of pupil transportation funds and eligibility requirements for school bus drivers. These regulations, consistent with recommended national standards for school buses and operations, emphasize safety as well as economy in the provision of pupil transportation.⁹¹

⁸⁸ 1993 Acts of Assembly, c. 994, § 1-46, Item 133(H); Item 135(A)(3).

⁸⁹ Report of the Department of Education to the House Appropriations and Senate Finance Committees on Textbook Costs (November 2, 1992); see also, 1993 Act of Assembly, c. 994, § 1-46, Item 133(H)(2).

⁹⁰ Va. Code §§ 22.1-238; 22.1-239; 22.1-241; 22.1-242; 22.1-243; 22.1-244; 22.1-245; 22.1-246; 22.1-247; 22.1-248 (1993).

⁹¹ Va. Code §§ 22.1-176; 22.1-177 (1993); Virginia Department of Education, Regulations Governing Pupil Transportation Including Minimum Standards for School Buses in Virginia (January 1, 1990); National Conference on School Transportation, National Standards of School Buses and National Standards for School Bus Operations at 2 (1990).

Further evidencing this commitment to safety and economy are statutory provisions tying receipt of state education funds to the maintenance of appropriate insurance for school buses and other vehicles. School boards may meet this requirement through self-insurance or through an insurance carrier authorized to transact business in Virginia. The Code of Virginia also mandates school bus emergency drills, provides for certain toll exemptions, and specifically permits localities to construct and maintain school bus stop shelters.⁹²

Local school boards may enter into contracts with localities and public agencies for the use of school buses for public purposes. The locality or public agency must, however, agree to reimburse the school board for all costs related to this supplemental use and must indemnify the school board from any liability arising from the use of the school bus. Warning lights and identifying lettering must be covered when these buses are used for other transportation services.⁹³

Although not a required service, pupil transportation is included in basic operation costs for each school division and is funded by state and local dollars. State funding for pupil transportation is comprised of basic aid funds; state and local shares are determined through the basic aid formula. In 1990-91, school divisions statewide spent nearly \$265 million for pupil transportation, ranging from \$49.8 million in Fairfax County to \$41,215 in the City of Radford. Previously based on prevailing statewide costs, the pupil transportation cost formula was recently revised to reflect more accurately unique factors such as the geographic size of the locality, numbers of special needs students, and average daily membership of transported pupils, that may affect local costs. School divisions sharing similar characteristics are now "clustered" for purposes of determining a prevailing pupil transportation cost.⁹⁴

The sharing of public school buses by public school divisions and private or parochial schools has received repeated legislative focus in recent years. From 1990 to 1993, specific legislation, dubbed "**Share the Ride**," has been introduced each Session to authorize local school boards to enter into agreements with private schools to provide transportation to the private schools consistent with the school division's calendar year. A 1991 Opinion of the Attorney General examined the constitutionality of this proposal, finding no violation of the establishment clause of the U.S. Constitution if the transportation services are "provided as a part of a general transportation program for all students in the Commonwealth." The opinion also suggested that "the likelihood of such

⁹² Va. Code §§ 22.1-184; 22.1-185; 22.1-187; 22.1-188 *et seq.* (1993).

⁹³ Va. Code §§ 22.1-182; 22.1-183 (1993).

⁹⁴ 1993 Acts of Assembly, c. 994, § 1-46, Item 135(A)(3); Report of the Joint Legislative Audit and Review Commission on Funding the Standards of Quality Part 2: SOQ Costs and Distribution, Senate Document No. 25 at 18, 19, 35, 36, 37 (1988); Joint Legislative Audit and Review Commission, Unpublished Technical Appendix: Estimating Pupil Transportation Costs at 1-4 (April 15, 1988); Final Report, *supra* note 85, at 63; Superintendent's Report, *supra* note 2, at 40-46.

legislation surviving judicial scrutiny under the religion clauses of the Constitution of Virginia will be greatly improved" if the General Assembly determines there is a "factual basis" justifying the program on public safety grounds, if these services are provided to sectarian and nonsectarian schools, and if there are no public funds supporting the costs of the program. To date, the General Assembly has declined to adopt legislation specifically recognizing these contractual arrangements.⁹⁵

School breakfast and lunch programs. Administered by the U.S. Department of Agriculture (USDA) and the Virginia Department of Education, the Commonwealth's current school breakfast and lunch programs are offered at the initiative of the local school division. The division superintendent, representing the local school board, retains ultimate decisionmaking authority for these programs, while responsibility for daily operations rests with either a food service director or the school principal. Participating school divisions are entitled to reimbursement for each breakfast and lunch served that meets certain nutritional standards; funding for pupils eligible for free or reduced price meals; foods donated by the USDA; and technical assistance in implementing the program. Based on the premise that good nutrition will promote learning, these programs are designed to provide all students with balanced, nutritious meals; while anyone may purchase a meal in this program, only pupils meeting certain eligibility criteria are entitled to free or reduced price meals. Federal, state, and sometimes local funds support these initiatives.⁹⁶

Currently, pupils at or below 130 percent of established poverty lines are eligible for free meals; reduced price meals are available for pupils from families between 130 and 185 percent of poverty level. In 1991, approximately 4,291,620 public and private schools nationwide participated in the school lunch program, while 46,000 offered the school breakfast program.⁹⁷ In the Commonwealth, 287,161 public school students were eligible for free or reduced price meals as of October 31, 1992. Presently, 28 high schools in 13 school divisions do not provide either nutrition program. As of September 1993, school breakfasts were unavailable in any school in Amelia, Clarke, Falls Church, Poquoson, and West Point.⁹⁸

⁹⁵ Senate Bill 444 (1990); House Bill 1457 (1991); House Bill 976, Senate Bill 401(1992); House Bill 2219 (1993); Opinion of the Attorney General (January 16, 1991).

⁹⁶ Virginia Department of Education, "Get in Step with Breakfast;" Virginia Department of Education, "Tell Me About School Lunch: Answers for Parents" (September 1992).

⁹⁷ U.S. Department of Agriculture, Food and Nutrition Service, *Food Program Facts: The National School Lunch Program* (July 1992); U.S. Department of Agriculture, Food and Nutrition Service, *Food Program Facts: The National School Breakfast Program* (April 1992).

⁹⁸ Virginia Department of Education, *Estimated Enrollment in the Free and Reduced Price Meal Program* (1993); *Pupil Applications for Free and Reduced Price Meals as of October 31, 1992* (1992); Correspondence, December 1993.

**Annual Income Guidelines for Continental United States
Effective July 1, 1992 through June 30, 1993**

Household Size	Poverty Guideline (100% poverty)	Free Meal Eligibility (130% poverty)	Reduced Price Eligibility (185% poverty)
1	6,810	8,853	12,599
2	9,190	11,947	17,002
3	11,570	15,041	21,405
4	13,950	18,135	25,808
5	16,330	21,229	30,211
6	18,710	24,323	34,614
7	21,090	27,417	39,017
8	23,470	30,511	43,420

For each additional family member, add:

+2,380	+3,094	+4,403
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Source: U.S. Department of Agriculture, *Food Program Facts: The National School Lunch Program* (July 1992).

Legislation adopted by the 1993 Session of the General Assembly will require each school board, contingent upon the appropriation of federal funds, to establish a school breakfast program in any public school in which 25 percent or more of the enrolled student population was deemed eligible to receive free or reduced price meals through the federally-funded school lunch program in the previous school year. Board of Education regulations will govern the implementation of this initiative, establishing criteria for eligibility and exemptions, a reporting system for student participation and other data, and a program evaluation system.⁹⁹

⁹⁹ Va. Code § 22.1-207.3 (1993).

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Ratio of Pupils to Classroom Teaching Positions--Regular Day School
Ratio of Pupils to Instructional Personnel K-6¹, Grade 1, and English Classes Grades 6-12
1991-92

Division	Elementary Teaching Positions	End-of- Year Member- Ship K-7	Pupil- Teacher Ratio	Secondary Teaching Positions	End-of- Year Member- Ship 8-12	Pupil- Teacher Ratio	Ratio/ Pupils to Instructional Personnel K-6 ¹	Pupil Teacher Ratio, Grade 1 ¹	Pupil- Teacher Ratio, English Grades 6-12 ¹
Accomack	221.63	3,385	15.3	160.87	1,738	10.8	21.5	19.6	21.8
Albemarle	480.86	6,742	14.0	244.03	3,347	13.7	18.9	18.7	18.6
Alleghany Highlands ²	150.60	1,928	12.8	86.60	1,162	13.4	17.7	15.5	20.9
Amelia	68.47	1,042	15.2	36.10	576	16.0	19.5	19.7	21.8
Amherst	167.50	2,939	17.5	131.11	1,642	12.5	21.2	20.5	23.8
Appomattox	90.80	1,383	15.2	70.65	884	12.5	20.7	20.0	19.8
Arlington	811.29	10,012	12.3	480.47	5,124	10.7	15.8	16.7	21.4
Augusta	425.45	6,307	14.8	295.98	3,569	12.1	21.3	17.5	19.2
Bath	46.82	519	11.1	35.02	255	7.3	14.9	15.5	13.9
Bedford ³	307.00	5,498	17.9	282.50	3,144	11.1	18.8	19.8	21.2
Bland	44.00	612	13.9	36.00	414	11.5	18.5	17.6	16.7
Botetourt	157.32	2,583	16.4	125.40	1,556	12.4	22.2	16.6	22.3
Brunswick	95.00	1,440	15.2	89.90	1,149	12.8	21.7	24.0	23.1
Buchanan	266.12	3,645	13.7	218.11	2,485	11.4	17.4	10.5	20.4
Buckingham	86.79	1,330	15.3	65.08	693	10.6	23.6	24.0	19.9
Campbell	272.30	5,129	18.8	211.10	3,031	14.4	18.9	20.2	20.4
Caroline	148.00	2,298	15.5	99.00	1,133	11.4	19.1	20.8	15.4
Carroll	176.85	2,487	14.1	128.30	1,561	12.2	19.2	18.3	21.8
Charles City	53.50	683	12.8	30.50	350	11.5	18.8	14.9	19.7
Charlotte	82.18	1,275	15.5	51.82	726	14.0	20.9	18.6	24.1
Chesterfield	1,390.77	29,469	21.2	1,500.68	15,750	10.5	20.8	17.0	21.6
Clarke	73.20	1,094	14.9	46.27	521	11.3	19.2	18.4	19.9
Craig	27.00	399	14.8	21.00	244	11.6	19.9	18.7	21.9
Culpeper	244.50	3,228	13.2	120.00	1,617	13.5	18.6	16.5	21.2
Cumberland	44.00	737	16.8	44.00	396	9.0	21.0	20.0	18.3
Dickenson	144.51	2,091	14.5	124.00	1,345	10.8	19.1	18.3	21.5
Dinwiddie	138.00	2,393	17.3	141.00	1,287	9.1	18.5	21.4	19.4
Essex	64.60	961	14.9	42.20	577	13.7	21.1	19.8	19.6
Fairfax ⁴	5,696.70	82,569	14.5	3,316.40	49,176	14.8	19.4	18.8	22.5

Ratio of Pupils to Classroom Teaching Positions--Regular Day School
Ratio of Pupils to Instructional Personnel K-6¹, Grade 1, and English Classes Grades 6-12
1991-92

Division	Elementary Teaching Positions	End-of- Year Member- Ship K-7	Pupil- Teacher Ratio	Secondary Teaching Positions	End-of- Year Member- Ship 8-12	Pupil- Teacher Ratio	Ratio/ Pupils to Instructional Personnel K-6 ¹	Pupil Teacher Ratio, Grade 1 ¹	Pupil- Teacher Ratio, English Grades 6-12 ¹
Fauquier	379.40	5,581	14.7	246.00	2,675	10.9	18.4	18.4	21.5
Floyd	81.28	1,147	14.1	61.30	724	11.8	18.6	22.0	23.3
Fluvanna	81.51	1,433	17.6	75.38	770	10.2	18.4	18.6	21.2
Franklin	268.93	3,940	14.7	157.24	2,309	14.7	18.9	15.6	23.4
Frederick	379.00	5,682	15.0	199.56	2,696	13.5	17.6	16.9	22.3
Giles	97.59	1,552	15.9	90.54	1,058	11.7	21.6	20.7	18.6
Gloucester	273.00	3,880	14.2	139.60	1,949	14.0	18.5	17.4	21.2
Goochland	86.50	1,111	12.8	67.50	603	8.9	17.1	14.8	19.5
Grayson	90.46	1,338	14.8	68.95	844	12.2	21.3	19.8	18.3
Greene	86.00	1,249	14.5	59.00	626	10.6	19.5	19.5	19.3
Greensville ⁵	100.50	1,726	17.2	98.50	1,013	10.3	19.4	19.1	22.1
Halifax ⁶	224.25	3,173	14.1	175.60	2,375	13.5	19.6	18.7	21.2
Hanover	346.00	7,717	22.3	444.50	3,957	8.9	20.2	19.8	22.2
Henrico	1,394.27	21,733	15.6	891.23	11,386	12.8	19.0	19.2	19.4
Henry	365.50	5,720	15.6	314.06	3,232	10.3	20.5	19.7	21.2
Highland	20.00	255	12.8	23.00	123	5.3	18.2	28.0	18.3
Isle of Wight	190.20	2,891	15.2	111.50	1,353	12.1	19.9	19.7	19.4
King George	105.85	1,628	15.4	77.15	948	12.3	16.7	15.8	22.1
King and Queen	46.75	580	12.4	28.51	322	11.3	16.0	19.0	21.5
King William	73.00	975	13.4	51.50	578	11.2	15.9	17.0	17.3
Lancaster	65.00	1,063	16.4	37.50	524	14.0	19.2	20.8	21.1
Lee	202.30	2,673	13.2	148.00	1,768	11.9	23.1	25.8	19.4
Loudoun	650.31	9,972	15.3	436.08	4,938	11.3	18.4	18.4	18.4
Louisa	135.34	2,418	17.9	107.34	1,149	10.7	19.5	21.0	20.5
Lunenburg	88.53	1,362	15.4	67.62	842	12.5	18.7	17.0	19.9
Madison	84.00	1,200	14.3	52.50	656	12.5	20.5	19.9	18.5
Mathews	59.50	791	13.3	31.30	455	14.5	21.1	17.8	20.7
Mecklenburg	221.51	3,078	13.9	160.03	1,926	12.0	19.1	19.5	21.6
Middlesex	59.37	797	13.4	33.43	394	11.8	18.5	16.8	18.5
Montgomery	271.64	5,500	20.2	335.56	2,879	8.6	22.1	21.6	21.5

Ratio of Pupils to Classroom Teaching Positions--Regular Day School
Ratio of Pupils to Instructional Personnel K-6¹, Grade 1, and English Classes Grades 6-12
1991-92

Division	Elementary Teaching Positions	End-of- Year Member- Ship K-7	Pupil- Teacher Ratio	Secondary Teaching Positions	End-of- Year Member- Ship 8-12	Pupil- Teacher Ratio	Ratio/ Pupils to Instructional Personnel K-6 ¹	Pupil Teacher Ratio, Grade 1 ¹	Pupil- Teacher Ratio, English Grades 6-12 ¹
Nelson	92.63	1,295	14.0	62.24	729	11.7	18.6	18.2	19.0
New Kent	74.00	954	12.9	71.25	921	12.9	20.5	19.3	21.1
Northampton	106.10	1,621	15.3	61.14	785	12.8	20.2	19.4	19.4
Northumberland	51.00	941	18.5	47.00	489	10.4	23.4	19.6	18.8
Nottoway	94.99	1,608	16.9	63.00	747	11.9	19.1	18.0	21.7
Orange	180.08	2,502	13.9	100.02	1,247	12.5	17.3	12.6	19.6
Page	141.98	2,212	15.6	96.30	1,172	12.2	19.0	21.5	16.8
Patrick	107.98	1,616	15.0	78.00	1,037	13.3	19.3	17.3	21.8
Pittsylvania	445.55	5,940	13.3	229.26	3,466	15.1	19.1	18.5	21.4
Powhatan	95.83	1,511	15.8	64.76	837	12.9	19.8	22.9	24.1
Prince Edward	98.66	1,656	16.8	72.49	824	11.4	21.1	23.8	20.9
Prince George	193.30	3,383	17.5	135.10	1,676	12.4	20.9	20.8	19.8
Prince William	1,776.00	27,953	15.7	1,119.69	14,631	13.1	19.8	20.8	22.2
Pulaski	219.30	3,305	15.1	153.70	2,015	13.1	21.3	21.8	15.4
Rappahannock	42.95	623	14.5	31.02	357	11.5	19.7	19.1	17.9
Richmond	50.79	880	17.3	32.94	409	12.4	21.1	18.8	18.1
Roanoke	519.56	8,183	15.7	499.75	5,071	10.1	18.1	18.0	19.8
Rockbridge	129.40	1,907	14.7	84.00	1,168	13.9	21.7	17.9	18.5
Rockingham	378.05	6,146	16.3	297.55	3,148	10.6	18.9	17.8	17.9
Russell	202.25	3,082	15.2	138.42	1,952	14.1	20.1	17.8	22.8
Scott	176.00	2,452	13.9	121.25	1,593	13.1	20.5	18.2	22.9
Shenandoah	218.27	3,210	14.7	146.94	1,606	10.9	20.5	19.8	17.6
Smyth	220.86	3,277	14.8	164.98	2,138	13.0	19.8	18.0	20.4
Southampton	121.87	1,756	14.4	72.62	846	11.6	19.9	20.3	22.1
Spotsylvania	532.37	8,420	15.8	325.03	4,475	13.8	20.9	19.8	22.7
Stafford	520.00	8,303	16.0	348.08	4,649	13.4	19.3	19.2	22.7
Surry	49.00	702	14.3	51.00	482	9.5	19.6	10.6	17.6
Sussex	50.04	924	18.5	32.53	531	16.3	22.9	23.8	20.7
Tazewell	363.00	5,199	14.3	205.90	3,489	16.9	22.4	22.2	22.1
Warren	163.68	2,908	17.8	76.43	1,345	17.6	20.2	22.9	21.2

Ratio of Pupils to Classroom Teaching Positions--Regular Day School
Ratio of Pupils to Instructional Personnel K-6¹, Grade 1, and English Classes Grades 6-12
1991-92

Division	Elementary Teaching Positions	End-of- Year Member- Ship K-7	Pupil- Teacher Ratio	Secondary Teaching Positions	End-of- Year Member- Ship 8-12	Pupil- Teacher Ratio	Ratio/ Pupils to Instructional Personnel K-6 ¹	Pupil Teacher Ratio, Grade 1 ¹	Pupil- Teacher Ratio, English Grades 6-12 ¹
Washington	231.34	4,485	19.4	320.10	2,933	9.2	20.9	19.4	18.1
Westmoreland	83.50	1,302	15.6	45.50	560	12.3	21.4	24.0	21.4
Wise	313.12	5,062	16.2	245.58	3,261	13.3	20.8	20.3	19.7
Wythe	180.80	2,662	14.7	137.40	1,675	12.2	21.0	19.6	20.4
York	331.30	6,098	18.4	253.95	3,590	14.1	20.0	19.4	19.2
Alexandria	452.50	6,246	13.8	360.00	3,284	9.1	15.5	15.6	23.1
Bristol	122.02	1,596	13.1	89.40	975	10.9	17.2	15.4	13.9
Buena Vista	46.60	648	13.9	33.40	405	12.1	17.2	16.1	17.6
Charlottesville	230.00	3,106	13.5	137.40	1,361	9.9	15.4	17.5	14.1
Chesapeake	1,124.50	19,892	17.7	772.00	10,159	13.2	20.9	18.7	22.4
Colonial Heights	113.30	1,630	14.4	92.20	956	10.4	16.9	15.8	19.6
Covington	49.00	619	12.6	35.35	346	9.8	14.3	15.8	13.4
Danville	361.36	5,312	14.7	255.81	2,915	11.4	19.7	19.4	20.8
Falls Church	38.53	738	19.2	55.40	472	8.5	19.8	16.7	19.9
Franklin City	71.02	1,154	16.2	51.19	692	13.5	21.2	18.8	21.2
Fredericksburg	108.00	1,340	12.4	57.70	666	11.5	17.7	13.7	18.3
Galax	46.80	754	16.1	36.03	379	10.5	21.3	21.6	18.5
Hampton	908.25	14,593	16.1	578.12	7,217	12.5	19.7	18.2	22.0
Harrisonburg	158.16	2,253	14.2	85.81	977	11.4	19.4	19.0	20.5
Hopewell	205.50	2,698	13.1	91.50	1,297	14.2	18.1	21.1	21.3
Lexington ⁷	34.16	435	12.7	3.00	55	18.3	15.9	15.0	18.6
Lynchburg	421.00	6,159	14.6	230.70	3,101	13.4	21.7	18.9	21.8
Manassas	230.27	3,015	13.1	133.41	1,919	14.4	17.6	17.4	20.8
Manassas Park	55.33	959	17.3	47.92	375	7.8	19.8	19.7	19.6
Martinsville	139.05	1,771	12.7	87.20	935	10.7	18.7	18.7	21.5
Newport News	1,234.00	20,000	16.2	650.10	8,932	13.7	19.7	20.9	22.5
Norfolk	1,671.90	25,031	15.0	788.10	9,272	11.8	21.3	21.1	22.1
Norton	34.71	592	17.1	24.13	313	13.0	20.3	19.7	18.7
Petersburg	227.00	4,153	18.3	171.70	1,613	9.4	23.8	23.5	19.4
Poquoson	80.99	1,417	17.5	68.10	906	13.3	20.2	16.8	24.1

Ratio of Pupils to Classroom Teaching Positions--Regular Day School
Ratio of Pupils to Instructional Personnel K-6¹, Grade 1, and English Classes Grades 6-12
1991-92

Division	Elementary Teaching Positions	End-of- Year Member- Ship K-7	Pupil- Teacher Ratio	Secondary Teaching Positions	End-of- Year Member- Ship 8-12	Pupil- Teacher Ratio	Ratio/ Pupils to Instructional Personnel K-6 ¹	Pupil Teacher Ratio, Grade 1 ¹	Pupil- Teacher Ratio, English Grades 6-12 ¹
Portsmouth	721.70	12,383	17.2	449.90	5,412	12.0	23.1	22.4	31.6
Radford	60.05	914	15.2	49.94	569	11.4	19.0	19.8	20.2
Richmond City	1,302.40	18,688	14.3	683.20	6,851	10.0	20.2	21.4	20.8
Roanoke City	628.97	8,567	13.6	313.86	3,814	12.2	18.0	20.0	22.2
Salem	115.80	2,274	19.6	135.00	1,287	9.5	18.5	19.4	21.7
South Boston ⁶	59.27	834	14.1	0.00	0	0.0	19.6	16.0	23.0
Staunton	151.35	2,058	13.6	88.78	939	10.6	16.8	16.1	19.3
Suffolk	290.00	5,958	20.5	318.50	2,931	9.2	21.5	21.5	22.6
Virginia Beach	2,741.60	48,073	17.5	1,777.00	22,951	12.9	20.8	18.9	21.8
Waynesboro	122.67	1,883	15.4	69.73	867	12.4	17.1	18.1	19.8
Williamsburg ⁸	290.48	4,231	14.6	161.40	2,021	12.5	20.9	18.8	22.1
Winchester	149.54	2,029	13.6	97.62	995	10.2	15.8	17.2	19.0
Colonial Beach	23.50	414	17.6	18.50	228	12.3	19.2	23.9	20.6
West Point	37.50	419	11.2	27.00	247	9.1	15.1	13.1	13.4
State	41,917.58	655,257.00	15.6	28,135.09	345,012.00	12.3	19.7	19.0	21.2

¹ Standard 1 G of the 1990-91 Standards of Quality states in part that certified instructional personnel shall be assigned by each school board in a manner that produces a division-wide ratio of pupils in average daily membership to full-time equivalent teaching positions excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: >25 to 1 in grades K - 6; 24 to 1 in grade 1; and 24 to 1 in all English classes grades 6 - 12.

² Alleghany Highlands is the merger of Alleghany County and Clifton Forge City.

³ Bedford County data include Bedford City.

⁴ Fairfax County data include Fairfax City.

⁵ Greensville County data include Emporia City.

⁶ Halifax County ratios of secondary pupils to classroom teaching positions include South Boston data.

⁷ Lexington City secondary teaching positions are adjusted to reflect a ratio for grade 8 only.

⁸ Williamsburg City data include James City County.

Source: Virginia Department of Education, *Superintendent's Annual Report for Virginia 1991-92* at 3-6 (Table 2) (1993).